



Congress of the United States

House of Representatives

Statement of Congressman Doc Hastings before the Subcommittee on Immigration, Border Security and Claims Oversight Hearing on the Energy Employees Occupational Illness Compensation Program Act (EEOICPA) U.S. House of Representatives May 4, 2006

Chairman Hostettler, Ranking Member Jackson Lee, and members of the Committee, I appreciate your holding this hearing and your interest in making certain that this compensation program is working for those who have suffered illness due to their work at federal nuclear sites, including Hanford in my district.

Let's not forget that the nuclear production work performed at these sites and at Hanford helped win World War II and the Cold War. We owe a huge debt of gratitude to these workers for their contributions to our nation's security. As we do with our veterans, the federal government has a moral responsibility to aid in the care of those who have been made ill as a direct result of their work in service to our nation.

With my support, Congress enacted legislation in October of 2000 to establish a compensation program for these workers, and I was pleased to stand with Energy Secretary Bill Richardson at the unveiling of the new Energy Employees Occupational Illness Compensation Program.

However, nearly five years since this program began accepting claims in July of 2001, it has not lived up to the expectations of Congress, and it has left thousands of workers and their families waiting and wondering. While a great deal of taxpayer money has been spent administering the program, results have been achieved for only a very small percentage of workers.

A 2004 GAO report noted that during the first thirty months of the program, the Department of Energy had completely processed only six percent of the cases that had been filed under their part of the program. This means ninety-four percent of those who had filed a claim were left with no decision after two and a half years.

That record was completely unacceptable and as a result Congress responded. With my support, the Department of Energy's portion of the program was transferred to

the Department of Labor. Given the Labor Department's extensive experience with compensation claims – we felt this change would result in quicker processing of workers' claims. Unfortunately, progress is still slow and thousands still wait.

Today – nearly six years after the program was created only ten and a half percent of claims filed nationally under this transferred portion of the program have been processed. And at Hanford, less than ten percent of the cases have been processed.

We all recognize this is a complex program. It often involves going back in time some sixty years to try to assess radiation exposure with little records to guide decisions. Yet this is no excuse.

But, to give a little perspective, consider this:

In 1943, during the height of World War II, in the middle of the remote desert of Central Washington state, and under the secrecy of the Manhattan Project, 51,000 workers labored to build the Hanford site infrastructure and the B Reactor – the world's first full-scale plutonium production reactor.

It took thirteen months to construct the B Reactor – which produced the nuclear material for the first-ever nuclear explosion – the Trinity test in New Mexico – and for the bomb dropped on Nagasaki that helped win World War II.

Mr. Chairman, if workers could build the world's first nuclear reactor in thirteen months starting from scratch – surely the federal government should be capable of getting these claims processed after five years. Unfortunately, this has not been the case.

The slow pace of claims processing is not the only concern.

Mr. Chairman, as you have addressed in your previous hearings on this issue, the Office of Management and Budget has exchanged documents with the Department of Labor that are focused upon controlling costs. But unfortunately not the costs associated with the Department's administration of the program, or making the bureaucracy function more efficiently, where the emphasis ought to be, but rather on the payment of compensation to workers for their illness. This amounts to injecting a political budgetary element into independent science and fact-based decisions on the payment of workers claims.

As thousands of workers still wait for answers on their claims, the government should be looking for ways to make this program work better – not ways to cut corners and deny workers their due.

These workers played a vital role in our nation's defense for many years. They deserve a timely decision on their claim. They deserve a fair decision based on the scientific facts. And, if it is found that their illness has been caused by their work, then they deserve just compensation.

Congress acted to create this program. Congress acted when DOE failed in its implementation of the program. Our intent is clear and the law is clear. It's time for these claims to be reviewed and resolved in a timely manner, without political interference, and with a deep respect for the workers who made these contributions to our nation at a very real cost to their health.

Again, I thank the Committee for holding this hearing and for the opportunity to share my views.